



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/665,368	09/19/2000	Lon S. Safko	1173.001	5060

7590

12/16/2003

John L Rogitz Esq
Rogitz & Associates
750 B Street Suite 3120
San Diego, CA 92101

EXAMINER

CHANG, JUNGWON

ART UNIT PAPER NUMBER

2154

DATE MAILED: 12/16/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/665,368

Applicant(s)

SAFKO, LON S.

Examiner

Jungwon Chang

Art Unit

2154

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 September 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

1. Claims 1-19 are presented for examination.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hess et al. (US 6,415,320 B1), hereinafter referred to as Hess, further in view of Matos (US 6,523,826 B1).

3. As to claim 9, Hess discloses the invention substantially as claimed, including a system for providing models (col. 5, lines 1-20; col. 10, lines 1-32), comprising:

at least one user computer (205, fig. 2; 470, fig. 4); and

at least one model server (210, fig. 2; fig. 3; 400, fig. 4), the user computer communicating with the model server via a wide area computer network (col. 4, lines 7-22), the model server including a model including means for providing files representing models to the user computer via the wide area computer network (col. 7, line 61 – col. 8, line 30).

Art Unit: 2154

4. Hess does not specifically disclose paper models. However, Matos discloses paper models (col. 1, lines 9-14 and 22-28). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teaching of Hess and Dow because Matos's paper model would improve images of Hess's system by folding the pieces of paper to construct a three dimensional image structure.

5. As to claim 10, Hess discloses means for permitting the user to access a model page (col. 3, lines 24-29; col. 6, line 52 – col. 7, line 1); and means for permitting the user to print at least one data file using the model page, the data file being useful for causing a computer printer to print a substrate having model indicia thereon, wherein the model indicia is useful for configuring the substrate into a model (col. 3, lines 24-29; col. 8, lines 29-54).

6. As to claim 11, Hess does not specifically disclose printing assembly instructions for the paper model. However, Matos discloses assembly instructions for the paper model (col. 17, line 55 – col. 18, line 18). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teaching of Hess and Matos because Matos' assembly instructions would allow the customer to easily assemble the desired paper model.

7. As to claims 12-14, Hess discloses generating accounting data when the user accesses the model page (col. 7, lines 14-27).

Art Unit: 2154

8. As to claim 15, Hess discloses providing at least one hyperlink to the model page, whereby the user accesses the model page by clicking on the hyperlink (col. 4, lines 15-22).

9. As to claim 16, Hess discloses presenting an image of at least a portion of an object on the model page (col. 3, lines 24-29; col. 8, lines 17-54).

10. As to claim 17, Hess discloses user downloads the data file at least in part by clicking on the image on the model page (col. 7, lines 40-65).

11. As to claim 18, it is rejected for the same reasons set forth in claim 9 above. In addition, Hess discloses Internet advertising (i.e., online commerce; col. 1, lines 11-16; col. 3, lines 8-32).

12. As to claim 1, it is rejected for the same reasons set forth in claim 9 above. In addition, Hess discloses means for permitting the user to access a model page (col. 3, lines 24-29; col. 6, line 52 – col. 7, line 1); and means for permitting the user to print at least one data file using the model page, the data file being useful for causing a computer printer to print a substrate having model indicia thereon, wherein the model indicia is useful for configuring the substrate into a model (col. 3, lines 24-29; col. 8, lines 29-54).

Art Unit: 2154

13. As to claim 2, it is rejected for the same reasons set forth in claim 11 above.

14. As to claims 3-5 and 19, they are rejected for the same reasons set forth in claims 12-14 above.

15. As to claim 6, it is rejected for the same reasons set forth in claim 15 above.

16. As to claim 7, it is rejected for the same reasons set forth in claim 16 above.

17. As to claim 8, it is rejected for the same reasons set forth in claim 17 above.

Conclusion

18. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

Boyd, patent 6,484,148 B1, Tognazzini et al, patent 6,519,584 B1, Schwalb et al, patent 6,256,595 B1, Walker et al, patent 6,196,458 B1, Naimark et al, patent 6,556,989 B1, Forward, patent 6,578,011 B1, LeMole et al, patent 6,009,410 disclose Internet e-commerce business method and paper models.

Art Unit: 2154

19. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jungwon Chang whose telephone number is (703)305-9669. The examiner can normally be reached on 9:30-6:00 (Monday-Friday).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng-Ai An can be reached on (703)308-9052. The fax phone number for the organization where this application or proceeding is assigned is (703)746-7239.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)305-9669.

Jungwon Chang
December 9, 2003


MENG-AL T. AN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100